

Assembly Bill No. 889

Passed the Assembly September 7, 1999

Chief Clerk of the Assembly

Passed the Senate September 2, 1999

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Section 351.5 to the Family Code, relating to marriage.

LEGISLATIVE COUNSEL'S DIGEST

AB 889, Jackson. Marriage: fact sheet.

(1) Existing law sets forth the duties of the Judicial Council, as specified.

This bill would require the Judicial Council to develop, post, update annually, and distribute a fact sheet regarding marriage, as specified. The bill would also impose a state-mandated local program by requiring the county clerk to provide a copy of the fact sheet with each marriage license and with each application for a confidential marriage license.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 351.5 is added to the Family Code, to read:

351.5. (a) The Judicial Council shall develop a fact sheet on marriage rights that addresses all of the following:

(1) How marriage affects property rights, including community property, separate property, premarital and marital agreements, as set forth in Division 4



(commencing with Section 700), and other applicable laws and regulations.

(2) Rights and obligations of married persons, including management and control of property; payment of individual and community debts; pension and retirement benefits; and spousal and or child support obligations from a prior marriage, as set forth in Division 4 (commencing with Section 700) and Division 7 (commencing with Section 2500), and other applicable laws and regulations.

(3) Spousal support obligations that may arise from the dissolution of a marriage as set forth in Division 9 (commencing with Section 3500).

(4) Parents' rights and obligations to their children, duty to pay child support if parents are divorced, and liability of parents for injuries caused by their children, as set forth in Section 1714.1 of the Civil Code, Division 9 (commencing with Section 3500) and Division 12 (commencing with Section 7500), and other applicable laws and regulations.

(5) Laws and regulations related to domestic violence, including the availability of the Judicial Council's informational booklet, as set forth in Division 10 (commencing with Section 6200), and other applicable laws and regulations.

(b) The fact sheet shall provide a concise summary of general legal principles concerning the rights and obligations of married persons. The fact sheet shall contain a notice that it is only intended to provide general information and is not intended to provide legal advice, and that an attorney should be consulted for answers to specific legal questions.

(c) The Judicial Council shall post the fact sheet on its website.

(d) The Judicial Council shall distribute one camera-ready copy of the fact sheet to each county clerk.

(e) The Judicial Council shall review the fact sheet annually to update it as appropriate to reflect any legislative or other changes to the rights, obligations, and issues identified in the fact sheet. The Judicial Council



shall distribute one camera-ready copy of the revised fact sheet to each county clerk.

(f) The Judicial Council shall develop, post, and distribute the fact sheet within 12 months after the effective date of this section.

(g) The fact sheet shall be available in English, Spanish, and in other foreign languages as determined by Judicial Council.

(h) The county clerk shall provide a copy of the current Judicial Council fact sheet with each marriage license and with each application for a confidential marriage certificate.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



Approved _____, 1999

Governor

